



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PO BOX 399
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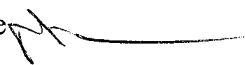
JON S. CORZINE
Governor

DAVID J. SOCOLOW
Acting Commissioner

MEMORANDUM

February 27, 2006

To: All Judges and Attorneys

From: Peter J. Calderone, Director and Chief Judge 

Subject: Recent Amendment to N.J.A.C. 12:235-3.2

On Tuesday, February 21, 2006, the Department of Labor and Workforce Development adopted, as set forth in the New Jersey Register of that date, the following amended N.J.A.C. 12:235-3.2:

12:235-3.2 Motions for temporary disability and/or medical benefits

(a) (No change.)

(b) The notice of motion for temporary disability or medical benefits shall be on a form prescribed by the Division and shall contain:

1. (No change.)

2. Affidavits or certifications made in personal knowledge by the petitioner or the petitioner's attorney, as well as the report(s) of a physician(s) stating the medical diagnosis and the specific type of diagnostic study, referral to specialist, or treatment being sought, and, if available, an itemized bill and report of the treating physicians or institutions or both for which services past, present and future, petitioner is seeking payment and such other evidence as shall relate to the petitioner's claim for temporary disability and/or medical treatment; and

3. (No change.)

(c)-(j) (No change.)

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It should be noted that, while an earlier proposal for the amendment of this rule had a requirement that motions for temporary disability and/or medical benefits be supported by a doctor's report which states the causal relationship of the medical condition to work, the Department agreed with comments made by a number of attorneys during a public hearing opposing the causal relationship requirement and deleted such language from the adopted rule.

The required form for filing a motion for temporary disability and/or medical benefits has been modified to conform to the court rule. The form has been developed for ease in completion and filing and allows for expedited court review.

Enclosures